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EXAMINER

CHUKWURAH, NATHANIEL C

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/525,933
Filing Date: February 25, 2005
Appellant(s): ANDERSSON ET AL.

**MAILED
FEB 26 2007
GROUP 3700**

Kurt Andersson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/6/2006 appealing from the Office action mailed 8/14/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

This appeal involves claims 1 and 2.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,109,620	Roberts et al.	8-2000
Des 266,521	Gustafsson	10/1982

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts et al. (US 6,109,620).

With regard to claim 1, the reference of Roberts et al. discloses an impact adapter (18) for transfer of impacts and rotation from an impact rock drilling machine (20) to a drill string, comprising a first end section (16) for connection to a drill string and a second end section (14) provided with ridges (13 Fig. 2) and interposed grooves as shown in Figure 2 for transfer of rotation, wherein the grooves (14) at the second end section (14) directed away from the first end section (16) of the impact adapter (18) increase in width in a direction away from the first end section (16).

With regard to claim 2, the ridges as shown in Figure 2 of impact adapter (18) of Roberts et al. includes ridges at the second end section (14) directed away from the first end section decrease in radial extension in a direction away from the first end section as shown in Figure 2.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Gustafsson (US Des. 266, 521).

With regard to claims 1 and 2, the reference of Gustafsson discloses the claimed invention as shown in Figures 1-3.

(10) Response to Argument

A. Examiner interpretation of the independent claim

During patent examination of the claims, the pending claims must be given their broadest reasonable interpretation consistent with the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005). *See also* MPEP § 2111. Moreover, while the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, *this is not the mode of claim interpretation to be applied during examination*. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004). *See also* MPEP § 2111.01.

Independent claim 1 recites:

Impact adapter for transfer of impacts and rotation from an impact rock drilling machine to a drill string, said impact adapter comprising a first end section

for connection to a drill string and a second end section provided with ridges and interposed grooves for transfer of rotation wherein the grooves at an end of the second end section directed away from the first end section of the impact adapter increase in width in a direction away from the first end section.

B. The rejection of claim 1 under 35 U.S.C. § 102(b) is proper and should be affirmed.

Appellant argues that on pages 4 and 5, that the International Preliminary Report On Patentability issued in connection with the corresponding PCT application, concludes that the claims of the PCT application, which correspond to the claims pending in the present United States application, are considered to be patentable over the Roberts et al patent. Further, that claim 1 expressly recites that grooves at an end of a second section of the impact adapter directed away from the first end section of the impact adapter "increase in width in a direction away from the first end section".

For the reasons set forth in the rejection, Roberts et al. anticipates every element of the claim and should be affirmed.

Roberts et al. as disclosed in the rejection, above anticipates the elements set forth in the claim.

Appellant is arguing that the patent to Roberts et al. fails to meet these limitations with respect to the longitudinal direction. However, the rejection does not state anything about the longitudinal direction. A careful review of the patent to Roberts et al. clearly shows that the limitations meet the limitations in the radial direction.

Roberts et al. discloses an impact adapter (18) for transfer of impacts and rotation from an impact rock drilling machine (20) to a drill string, comprising a first end section (16) for connection to a drill string and a second end section (14) provided with ridges (13 Fig. 2) and interposed grooves as shown in Figure 2 for transfer of rotation, wherein the grooves at the second end section (14) directed away from the first end section (16) of the impact adapter (18) increase in width in a direction away from the first end section (16).

Roberts et al. clearly anticipates the limitation as claimed. The rejection should be affirmed.

Appellant argues that on page 7, that in Gustafsson, the width of the grooves on the second end section of the adapter are constant throughout the second end section, and therefore do not increase in width in a direction away from the first (threaded) end section.

Appellant is arguing that the patent to Gustafsson fails to meet these limitations with respect to the longitudinal direction. However, the rejection does not state anything about the longitudinal direction. A careful review of the patent to Gustafsson clearly shows that the limitations meet the limitations in the radial direction.

Gustafsson's design patent discloses among other limitations, an adapter including grooves that increases radially from the root of the shank to the upper section and away from the first end.

Gustafsson clearly anticipates the limitation as claimed. The rejection should be affirmed.

C. The rejection of claim 2 under 35 U.S.C. § 102(b) is proper and should be affirmed.

Appellant argues that on page 6, that Dependent claim 2 expressly recites that ridges at the end of the second section of the impact adapter directed away from the first end section of the impact adapter "decrease in radial extension in a direction away from the first end section".

For the reasons set forth in the rejection, Roberts et al. anticipates every element of the claim and should be affirmed.

Roberts et al. as disclosed in the rejection above, anticipates the elements set forth in the claim.

Appellant is arguing that the patent to Roberts et al. fails to meet these limitations with respect to the longitudinal direction. However, the rejection does not state anything about the longitudinal direction. A careful review of the patent to Roberts et al. clearly shows that the limitations meet the limitations in the radial direction.

Roberts et al. discloses an impact adapter (18) including ridges (13) at the second end section (14) directed away from the first end section (16), which decreases in radial extension in a direction away from the first end section as shown in Figure 2.

Roberts et al. clearly anticipates the limitation as claimed. The rejection should be affirmed.

Appellant is arguing that the patent to Gustafsson fails to meet these limitations with respect to the longitudinal direction. However, the rejection does not state anything about the longitudinal direction. A careful review of the patent to Gustafsson clearly shows that the limitations meet the limitations in the radial direction.

Gustafsson's design patent, as disclosed in the rejection above, anticipates the elements set forth in the claim limitation.

Gustafsson's design patent discloses an impact adapter (Fig. 1) including ridges at the second end section directed away from the first end section (threaded section), which decreases in radial extension seen from the root of the shank to the upper end, in a direction away from the first end section as shown in Figure 1.

Gustafsson's design patent as shown in Figure 1, anticipates the limitation as claimed. The rejection should be affirmed.

Appellant has not overcome the burden of anticipation rejection of 102.

The § 102(b) rejection of claims 1 and 2 should be affirmed.

(11) Related Proceeding(s) Appendix

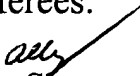
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Nathaniel Chukwurah

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